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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 STEVEN MUSHOVIC,

11 Plaintiff,

12 v.

13 ALLEGIANT AIR, LLC, a Nevada
14 Limited Liability Company, a/k/a Allegiant
15 Travel Company, a/k/a Allegiant Airlines,
16 DOES 1 through 100, inclusive, ROE
17 CORPORATIONS 1 through 100
18 inclusive,

19 Defendants.

Case No. 2:12-CV-00722-KJD-GWF

ORDER

19 Presently before the Court is Plaintiff's Motion to Remand (#8). One issue before the Court is
20 whether Plaintiff can establish a prima facie case of discrimination by proving he was qualified to
21 perform the requirements of his job at the time he was terminated. *Apeceche v. White Pine County*,
22 615 P.2d 975, 977 (Nev. 1980); *Bradley v. Harcourt, Brace and Co.*, 104 F.3d 267, 271 (9th Cir.
23 1996). Plaintiff asserts that on January 19, 2011, he received a First Class Medical Certificate for
24 Airline Transport Pilot from the Federal Aviation Administration. Complaint at p. 4, ¶ 35.

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1 IT IS HEREBY ORDERED that Plaintiff provide to the court a copy of the Medical
2 Certificate described in the complaint within fourteen (14) days of the entry of this order.

3 DATED this 23rd day of August 2012.
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7 Kent J. Dawson
8 United States District Judge
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